

THE HONORABLE THOMAS S. ZILL Y

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LVB-OGDEN MARKETING, LLC,

Plaintiff,

v.

DAVID S. BINGHAM, SHARON
BINGHAM, CHRISTOPHER BINGHAM,
CHERISH BINGHAM, KELLY BINGHAM,
BINGO INVESTMENTS, LLC, CCRB
ENTERPRISES, LLC, SKBB
ENTERPRISES, LLC, PARK PLACE
MOTORS, LTD., HYTECH POWER, INC.,
HENRY DEAN, in his individual capacity and
as Trustee for the SHARON GRAHAM
BINGHAM 2007 TRUST, and BGH
HOLDINGS, LLC,

Defendants.

No. 2:18-CV-00243

**DECLARATION OF JONATHAN J.
FARIA IN SUPPORT OF PLAINTIFF'S
MOTION FOR PROTECTIVE ORDER**

1 I, Jonathan J. Faria, declare as follows:

2 1. I am a partner at Kirkland & Ellis LLP and represent Plaintiff LVB-Ogden Marketing,
3 LLC ("LVB") in this action. I have personal knowledge of the facts stated in this declaration, and
4 could and would testify competently to the facts if called as a witness.

5 2. Attached hereto as **Exhibit 1** is a true and correct copy of a letter dated May 18, 2017
6 from counsel for Defendants, R. Bruce Johnston, to counsel for LVB, Jeffrey L. Willian.

7 3. Attached hereto as **Exhibit 2** is a true and correct copy of a letter dated May 21, 2018
8 from counsel for LVB, Jeffrey L. Willian, to counsel for Defendants, R. Bruce Johnston.

9 4. Attached hereto as **Exhibit 3** is a true and correct copy of a letter dated May 21, 2018
10 from counsel for Defendants, Dennis J. McGlothin, to counsel for LVB, Jonathan J. Faria.

11 5. Attached hereto as **Exhibit 4** is a true and correct copy of a letter dated May 21, 2018
12 from counsel for Defendants, R. Bruce Johnston, to counsel for LVB, Jeffrey L. Willian.

13 6. Attached hereto as **Exhibit 5** is a true and correct copy of a letter dated May 22, 2018
14 from counsel for LVB, Jeffrey L. Willian, to counsel for Defendants, R. Bruce Johnston.

15 7. Attached hereto as **Exhibit 6** is a true and correct copy of a letter dated May 24, 2018
16 from counsel for Defendants, Manish Borde, to counsel for LVB, Jeffrey L. Willian. Attached
17 hereto as **Exhibit 7** is a true and correct copy of Defendants' Notice of Taking Fed. R. Civ. P.
18 30(b)(6) Deposition of LVB-Ogden Marketing, LLC, which was attached to the aforementioned
19 May 24, 2018 letter.

20 8. Attached hereto as **Exhibit 8** is a true and correct copy of a letter dated May 29, 2018
21 from counsel for LVB, Jeffrey L. Willian, to counsel for Defendants, Manish Borde.

22 9. On March 31, 2018, counsel for LVB met and conferred with counsel of record for
23 Defendants in this litigation by telephone.¹ Attached hereto as **Exhibit 9** is a true and correct copy
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26 ¹ This included R. Bruce Johnston, Emanuel Jacobowitz, Nathan Arnold, Dennis McGlothin, Scott Henrie and Manish Borde.

1 of an email string dated March 31, 2018 between counsel for Defendants and counsel for LVB
2 summarizing this meet and confer discussion.

3 10. On June 5, 2018, counsel for LVB met and conferred again by telephone with the
4 same counsel for Defendants. Attached hereto as **Exhibit 10** is a true and correct copy of an email
5 string dated June 5 through June 7, 2018 between counsel for Defendants and counsel for LVB
6 summarizing that June 5, 2018 meet and confer discussion by telephone, and reflecting further meet
7 and confer communications.

8 11. As discussed above, in LVB's Motion, and as demonstrated in the exhibits attached
9 hereto, LVB has engaged in good faith meet and confer telephone conferences and e-mail
10 exchanges with counsel for Defendants in an effort to resolve the instant dispute without court
11 action.

12 I declare under penalty of perjury under the laws of the United States that the foregoing is
13 true and correct.

14 Executed in Los Angeles, California this 7th day of June, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the individuals listed below at the email addresses set forth below.

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